

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

OLGA ECHERIVEL,

Defendant.

8:08CR409

ORDER

This matter is before the court on the motion for a continuance of the trial and to file pretrial motions out of time by defendant Olga Echerivel (Echerivel) (Filing No. 33). Echerivel seeks additional time in which to file pretrial motions in accordance with the progression order (Filing No. 11). Echerivel has filed an affidavit wherein she acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Echerivel's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Echerivel's motion for an extension of time to file pretrial motions (Filing No. 33) is granted. Echerivel is given until **on or before March 20, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 2, 2009 and March 20, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Trial of this matter scheduled for March 16, 2009, is canceled and will be rescheduled following the disposition of any pretrial motions filed in accordance with this order or upon the expiration of the deadline set forth in this order.

DATED this 2nd day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge